

REMARKS

Claims 36-70 are pending in the application. Claims 36-70 stand rejected. Applicants request further review and examination in view of the claim amendments and following remarks.

Claim Rejections – 35 USC § 103

Claims 36-42, 48-55, and 61-67 stand rejected under 35 U.S.C. § 103(a) over Shutt U.S. Patent No. 5,905,987 in view of Barney U.S. Patent No. 6,212,512 and Sandhu IEEE article pages 139-152, published in 1991. Claims 43-47, 56-60, and 68-70 stand rejected under 35 U.S.C. § 103(a) over Shutt, Barney, Sandhu, and in further view of Miloushev U.S. Patent Publication No. 2001/0037412. Applicants traverse these rejections.

Claim 36

Claim 36 as amended recites in part “executing an operating system that includes a shell and a kernel, the kernel of the operating system including a file system that is encapsulated by a database management program, wherein the file system stores data for one or more applications and the database management program generates objects for the data.” Applicants submit that the forgoing subject matter is not taught or suggested by the art of record. The Office Action states that Barney describes an operating system that comprises a file system integrated with a database management program. (Office Action at p. 4). Applicants disagree, however Applicants have amended claim 36 to expedite prosecution and further clarify Applicants’ techniques. The cited portion of Barney describes Windows Explorer File Management software that is not a component of the operating system or encapsulates a file system.

Applicants submit that Barney’s file manager is not part of the Operating system. Instead, Barney admits that while it may *appear to a user* to be part of the operating system it is not a part of the OS. Barney states that the data protection software 120 is an application that is installed on top of an existing OS and integrates with Windows Explorer. (See Barney at col. 5, lines 10-17) (Emphasis added). Explorer is not the file system or part of the OS’s

kernel. Windows Explorer is the shell of the Windows OS and has been a common component of all Windows operating systems since Windows 95. Explorer provides a graphical user interface for accessing the file system: it is not in fact the file system. Thus, Barney describes protection software 120 that integrates with the shell of the operating system and uses Explorer to access the underlying file system. Applicants submit that this fails to teach or suggest the foregoing subject matter of claim 36. Shutt, Barney, Sandhu, and Miloushev were not cited as showing the foregoing subject matter and the Examiner has not articulated a rejection which indicates that they teach or suggest the foregoing subject matter. Accordingly, for at least this reason Applicants respectfully request reconsideration of the rejection of claim 36.

Independent claims 49 and 61 recite similar elements to those in claim 36 and patentably define over the art of record for at least similar reasons as claim 36. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 49 and 61.

Dependent claims 37-48, 50-60, and 62-70 depend directly or indirectly from independent claims 26, 49, or 61 and patentably define over the art of record for at least the reason describe above with respect to claim 36. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 37-48, 50-60, and 62-70.

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

Date: January 8, 2010

/David M. Platz/

David M. Platz

Registration No. 60,013

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439